

## **EXHIBIT A**



**Service of Process  
Transmittal**

03/17/2022

CT Log Number 541245749

**TO:** Nafisa Abdelgadir  
ALLSTATE INSURANCE COMPANY  
27555 EXECUTIVE DRIVE STE. 345  
FARMINGTON HILLS, MI 48331

**RE: Process Served in Illinois**

**FOR:** Allstate Insurance Company (Domestic State: IL)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** NATHEN BARTON vs. Allstate Insurance Company

**DOCUMENT(S) SERVED:** Summons, Original Complaint

**COURT/AGENCY:** Clark County Superior Court, WA  
Case # None Specified

**NATURE OF ACTION:** Insurance Litigation

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Chicago, IL

**DATE AND HOUR OF SERVICE:** By Process Server on 03/17/2022 at 04:13

**JURISDICTION SERVED :** Illinois

**APPEARANCE OR ANSWER DUE:** Within 60 days after the service of this summons, excluding the day of service  
(Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Nathen Barton  
4618 NW 11th Cir  
Camas, WA 98607  
469-347-2139

**ACTION ITEMS:** CT has retained the current log, Retain Date: 03/17/2022, Expected Purge Date:  
03/22/2022

Image SOP

Email Notification, Nafisa Abdelgadir nabdf@allstate.com

Email Notification, Roycann Williams roycann.vignocchi@allstate.com

**REGISTERED AGENT ADDRESS:** James Halpin  
208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

## PROCESS SERVER DELIVERY DETAILS

**Date:** Thu, Mar 17, 2022  
**Server Name:** Christopher Rodriquez

Entity Served	Allstate Insurance Company
Case Number	none
Jurisdiction	IL



**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF CLARK**

NATHEN BARTON,

Plaintiff

v.

Allstate Insurance Company, Discount  
Insurance Quotes, and John Doe 1-10

Defendants.

Case No.:

SUMMONS (60 DAYS)

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by Nathen Barton, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 60 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what she or he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

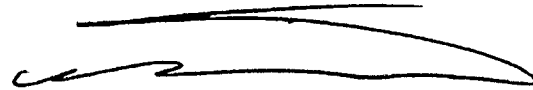
1 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand  
2 must be in writing and must be served upon the person signing this summons. Within 14 days  
3 after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on  
4 you of this summons and complaint will be void.

5 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
6 that your written response, if any, may be served on time.

7 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of  
8 Washington.

9  
10  
11 3/12/2022

12 (dated)  
13

14  
15 

16 (signed)  
17

18 Nathen Barton  
19 (469) 347-2139  
20 4618 NW 11<sup>th</sup> Cir  
21 Camas WA 98607  
22

23 **CLARK COUNTY SUPERIOR COURT**

24 <https://clark.wa.gov/superior-court>

25 (360) 397-2292

26 1200 Franklin Street

27 Vancouver WA 98660  
28

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF CLARK**

NATHEN BARTON,

Plaintiff

v.

Allstate Insurance Company, Discount  
Insurance Quotes, and John Doe 1-10  
Defendants.

Case No.:

ORIGINAL COMPLAINT FOR A  
CIVIL CASE AND INJUNCTIVE  
RELIEF

Jury Trial: ☒ Yes ☐ No

**I. INTRODUCTION**

There are telemarketers in America whose long-term business model is placing lots and lots of unsolicited robocalls. They call all the phone numbers they can, playing pre-recorded or artificially generated speech, in search of leads they can sell to a third party. When they get a consumer on the line, they transfer the call to the third party and everyone in the loop is a winner. Except for people like Senator Hollings and Plaintiff who don't want the phone calls. In our experience:

“[c]omputerized calls are the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want to rip the telephone right out of the wall.”

1  
2 An unknown robocaller placed calls to benefit Allstate Insurance Company, and these  
3 entities are violating the TCPA.

4 **II. BASIS FOR JURISDICTION**

5 Plaintiff Nathen Barton is a natural person and resident of Clark County, Washington.  
6 Nearly all the acts alleged in this complaint occurred in Clark County, Washington State, during  
7 the year 2021.

8 Jurisdiction in this court is correct because of where Plaintiff resides, and his residence is  
9 a nexus where Plaintiff suffered personal injury and invasion of privacy at the hands of the  
10 Defendants.

11 All the specifically identified telemarketing phone calls alleged in this complaint were  
12 made to a specific 469-area code cell phone number that is assigned to Plaintiff in exchange for a  
13 monthly service fee. These specifically identified calls were all received during the year.

14 For most of the calls, Defendants were aware they were calling a consumer located in  
15 Clark County of Washington State by dialing Plaintiff's phone numbers.

16 Washington State has long held that a party availing themselves of the privilege of  
17 conducting activities inside of Washington State is subject to the jurisdiction of Washington  
18 State. See *Cofinco of Seattle, Ltd. v. Weiss*, 25 Wash.App. 195, 196, 605 P.2d 794 (1980).

19 The Defendants need not physically visit Washington. The internet and the telephone  
20 allow anyone in one state to do business in all others. In a case decided before "internet" was a  
21 word, our Washington Supreme Court recognized that jurisdiction may be established by  
22 "affirmative acts taking place here by which the out-of-state resident overtly submits to  
23 jurisdiction". *Griffiths & Sprague Stevedoring Co. v. Bayly, Martin & Fay, Inc.*, 71 Wash.2d



1 679, 684, 430 P.2d 600 (1967) quoting *Quigley v. Spano Crane Sales & Serv., Inc.*, 70 Wn.2d  
2 198, 422 P.2d 512 (1967).

3 The Defendants initiated or incentivized others to initiate phone call solicitations to  
4 Plaintiff and other residents of Washington State, and they a significant fraction of the phone  
5 calls would be to Washington State residents, establishing jurisdiction here. *Nixon v. Cohn*, 62  
6 Wn.2d 987, 385 P.2d 305 (1963)).

7 Plaintiff is suing in part under federal statute the Telephone Consumer Protection Act of  
8 1991, known as the TCPA, giving rise to a lawsuit that may be brought in Federal Court pursuant  
9 to *Mims v. Arrow Fin. Services, LLC*.

### 10 III. THE PARTIES TO THE LITIGATION

11 Plaintiff Nathen Barton resides at 4618 NW 11<sup>th</sup> Cir, Camas WA 98607, inside the  
12 bounds of Clark County, Washington State.

13 Defendant Allstate Insurance Company ("Allstate") a Delaware company with principal  
14 address of 2775 Sanders Road, Northbrook IL 60062.

15 Discount Insurance Quotes is an unknown entity that places telemarketing calls.

16 Allstate may be served with process via C T Corporation System, 208 SO LaSalle St,  
17 Suite 814, Chicago IL 60604.

### 18 IV. STATEMENT OF CLAIM

19 Plaintiff pays for and uses the phone number at issue area code for residential purposes.  
20 The phone was and is on a limited service plan, with each call, text, or data usage subtracting  
21 from a fixed amount of each available each month.

22 The phone number at issue was registered on the FTC national *do-not-call* registry more  
23 than 31 days before all calls at issue in this Complaint.

1 At no time relevant to this lawsuit did Plaintiff invite or consent to any auto insurance  
2 related solicitation calls that contain artificial or pre-recorded speech. All times listed are Pacific  
3 Standard Time.

4 **Unsolicited Telemarketing Call #1**

5 On 3/29/2021 Plaintiff received a phone call from (469) 284-5734. The caller was an  
6 avatar – a computer using a man’s voice to speak pre-recorded or artificially generated voice,  
7 and capable of understanding simple and expected responses. The following conversation took  
8 place:

9 Avatar: “Hello, this is Justin I’m a senior executive in our automotive department on a  
10 recorded line can you hear me ok?”

11 Plaintiff: “Yes, computer”

12 Avatar: “[unintelligible] you can press one to be removed. The reason for the call today is  
13 we received some of your auto information and its for the local agents in your area. They have  
14 some information to give you on your car insurance. I just have a few pieces of information to  
15 confirm with you, ok?”

16 Plaintiff: “Ok”

17 Avatar: “Ok now our records show you may qualify for one of our low cost premium  
18 insurance plans. If you were involved in a car accident today do you know how much it would  
19 be out of pocket to fix your vehicle?”

20 Plaintiff: “Probably a lot”

21 Avatar: “And how much roughly are you paying for auto insurance?”

22 Plaintiff: “About \$150”

1 Avatar: "Oh wow ok. Well usually insurance establishes monthly price based on several  
2 factors. Did they tell you how they came up with that price?"

3 Plaintiff: "no"

4 Avatar: "Well, based on the information we have here, as a preferred driver you may  
5 prequalify for one of our premium auto insurance programs. Lets see if we can help you get  
6 your expenses down a little. I just have a few questions for you so I can update your  
7 information, ok?"

8 Plaintiff: "ok"

9 Avatar: "I take it you have had car insurance longer than six months?"

10 Plaintiff: "yes"

11 Avatar: "Have you had a DUI or DWI violation in the past five years?"

12 Plaintiff: "no"

13 Avatar: "Alright let me just update the information here really quick here, lets see, ok great  
14 looks like we may be able to help you save on your auto insurance, what I am going to do now is  
15 connect you with one of our representatives who will be able to match you with a licensed agent  
16 in your area ok?"

17 Plaintiff: "Yes, computer"

18 Avatar: "Great, you may hear a few system prompts no worries you can hang tight I'll just  
19 enter those for us one moment while I bring on an insurance specialist ok? You still there?"

20 Plaintiff: "Yes, can hear you"

21 Then a real person got on the phone and he already knew Plaintiff's first name. He then  
22 connected the call to Allstate, introducing himself with "this is Chris with Discount Insurance  
23 Quotes I have Nathen Barton on the line can you hear us?" The new person identified himself as

1 a representative from Allstate. Plaintiff told the Allstate agent a Vancouver Washington physical  
2 address.

3 Plaintiff used messaging.allstate.com/corp.aspx to send the following message to Allstate  
4 at 4:39pm on 3/31/2021:

5 "Hello, will you please put my phone number (469) 347-2139 on your do not call list? I  
6 got a robo call and that lead to getting phone calls from Allstate which I thought would  
7 stop in a day but they keep going. We are good on insurance here."

8 On April 5, 2021, Allstate responded from email address  
9 AllstateCustomerResolutionTeamSE@allstate.com with the following message:

10 "Hello,

11  
12 Thank you for contacting Allstate. Your concerns are important to us and we appreciate the  
13 opportunity to address them.

14  
15 We regret any inconvenience you may have experienced. Per your request we have added  
16 the phone number(s) you've provided us (469) 347-2139 to the Allstate Do Not Call list.  
17 Please allow us 30 days to process your request. Please note the company Do Not Call list  
18 applies to telephone solicitation calls.

19  
20 If you have any further questions, you may reply to this e-mail. I am available between the  
21 hours of 8:30 AM and 5:00 PM Eastern Standard Time.

22  
23 Thank you,

24  
25 Deidra, CRS101  
26 Corporate Customer Advocacy Department  
27 Phone: (800) 995-2566 Ext. 1120545  
28 Fax: (877) 287-1973  
29 Email: CRS101@allstate.com"

30 The caller did not identify the company behind the call in the first 30 seconds of speaking  
31 with a live person.

32 **Unsolicited Telemarketing Call #2**

1 On 4/12/2021 Plaintiff received a phone call from (424) 287-5803. The caller, in a  
2 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
3 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
4 savings. To speak to a specialist about a free quote, press 1." Plaintiff was unable to speak to a  
5 live person.

6 **Unsolicited Telemarketing Call #3**

7 On 4/12/2021 Plaintiff received a phone call from (424) 287-5803. The caller, in a  
8 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
9 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
10 savings. To speak to a specialist about a free quote, press 1."

11 **Unsolicited Telemarketing Call #3**

12 On 4/14/2021 Plaintiff received a phone call from (760) 491-7669. The caller, in a  
13 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
14 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
15 savings. To speak to a specialist about a free quote, press 1."

16 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

17 **Unsolicited Telemarketing Call #4**

18 On 4/26/2021 Plaintiff received a phone call from (661) 759-8064. The caller, in a  
19 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
20 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
21 savings. To speak to a specialist about a free quote, press 1." Plaintiff was unable to speak to a  
22 live person.

23 **Unsolicited Telemarketing Call #5 & 6**

1 On 5/5/2021 Plaintiff received two phone calls from (717) 340-8593. In the first call, the  
2 caller did not speak and eventually hung up. In the second call, placed two minutes later, The  
3 caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance  
4 rates have dropped up to 50% in your area. Based on your zip code you could potentially see a  
5 significant savings. To speak to a specialist about a free quote, press 1." Plaintiff was unable to  
6 speak to a live person.

7 Both calls were abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

8 **Unsolicited Telemarketing Call #7**

9 On 5/6/2021 Plaintiff received a phone call from (925) 804-3084. The caller, in a  
10 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
11 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
12 savings. To speak to a specialist about a free quote, press 1." Plaintiff was unable to speak to a  
13 live person.

14 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

15 **Unsolicited Telemarketing Call #8**

16 On 5/7/2021 Plaintiff received a phone call from (424) 208-2198. The caller, in a  
17 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
18 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
19 savings. To speak to a specialist about a free quote, press 1." Plaintiff was finally able to speak  
20 to a live person, answered some questions, and that person then joined a new party onto the call –  
21 Allstate. This call was initiated by or on behalf of Allstate to encourage the purchase of  
22 insurance services.

23 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

1 The caller did not identify the entity behind the call in the first 30 seconds of speaking to a  
2 live person.

3 **Unsolicited Telemarketing Call #9 & 10**

4 On 5/10/2021 Plaintiff received two phone calls from (408) 580-8746. The first caller was  
5 completely silent for about 70 seconds and didn't make a single sound before hanging up. Then  
6 that number called right back, and the caller, in a woman's voice, said in pre-recorded or  
7 artificially generated voice: "Auto insurance rates have dropped up to 50% in your area. Based  
8 on your zip code you could potentially see a significant savings. To speak to a specialist about a  
9 free quote, press 1." Plaintiff was finally able to speak to a live person, answered some  
10 questions, and that person then joined a new party onto the call – Allstate. This call was initiated  
11 by or on behalf of Allstate to encourage the purchase of insurance services.

12 Both calls were abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

13 The caller did not identify the entity behind the call in the first 30 seconds of speaking with  
14 a live person.

15 **Unsolicited Telemarketing Call #11**

16 On 5/11/2021 Plaintiff received a phone call from (302) 541-1846. The caller, in a  
17 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
18 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
19 savings. To speak to a specialist about a free quote, press 1." Plaintiff was unable to speak to a  
20 live person.

21 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

22 **Unsolicited Telemarketing Call #12**

1 On 5/12/2021 Plaintiff received a phone call from (760) 760-6411. The caller, in a  
2 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
3 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
4 savings. To speak to a specialist about a free quote, press 1." Plaintiff was unable to speak to a  
5 live person.

6 **Unsolicited Telemarketing Call #13**

7 On 5/21/2021 Plaintiff received a phone call from (661) 793-8181. The caller, in a  
8 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
9 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
10 savings. To speak to a specialist about a free quote, press 1."

11 **Unsolicited Telemarketing Call #14**

12 On 5/25/2021 Plaintiff received a phone call from (626) 662-7514. The caller, in a  
13 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
14 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
15 savings. To speak to a specialist about a free quote, press 1."

16 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

17 **Unsolicited Telemarketing Call #15**

18 On 6/23/2021 Plaintiff received a phone call from (559) 468-3995. The caller, in a  
19 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
20 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
21 savings. To speak to a specialist about a free quote, press 1."

22 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

23 **Unsolicited Telemarketing Call #16**



1 On 6/24/2021 Plaintiff received a phone call from (510) 961-7816. The caller, in a  
2 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
3 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
4 savings. To speak to a specialist about a free quote, press 1."

5 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

6 **Unsolicited Telemarketing Call #17**

7 On 6/28/2021 Plaintiff received a phone call from (601) 780-1013. The caller, in a  
8 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
9 dropped up to 50% in your area. Based on your zip code you could potentially see a significant  
10 savings. To speak to a specialist about a free quote, press 1."

11 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

12 **Unsolicited Telemarketing Call #18**

13 On 7/6/2021 Plaintiff received a phone call from (512) 357-3033. The caller, in a  
14 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
15 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
16 savings. To speak with a specialist please press 2".

17 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

18 **Unsolicited Telemarketing Call #19**

19 On 7/8/2021 Plaintiff received a phone call from (510) 510-7730. The caller, in a  
20 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
21 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
22 savings. To speak with a specialist please press 2".

23 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

**Unsolicited Telemarketing Call #20**

On 7/12/2021 Plaintiff received a phone call from (951) 739-4982. The caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have dropped up to 50% in your area. Based on your zip code you could potentially see significant savings. To speak with a specialist please press 2". Plaintiff was able to speak to a live person – who introduced himself with "Hi Nathen, Nathen Hi this is Frank with Discount Insurance Quotes. Frank asked some insurance questions, and Frank joined Allstate to the call. This call was initiated by or on behalf of Allstate to encourage the purchase of insurance services.

This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

The caller did not identify a legally recognized entity behind the call in the first 30 seconds of speaking with a live person.

**Unsolicited Telemarketing Call #21**

On 7/8/2021 Plaintiff received a phone call from (717) 340-8598. The caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have dropped up to 50% in your area. Based on your zip code you could potentially see significant savings. To speak with a specialist please press 2".

This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

**Unsolicited Telemarketing Call #22**

On 7/22/2021 Plaintiff received a phone call from (509) 887-7964. The caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have dropped up to 50% in your area. Based on your zip code you could potentially see significant savings. To speak with a specialist please press 2".

**Unsolicited Telemarketing Call #23**

On 7/23/2021 Plaintiff received a phone call from (925) 794-4511. The caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have dropped up to 50% in your area. Based on your zip code you could potentially see significant savings. To speak with a specialist please press 2".

This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

#### **Unsolicited Telemarketing Call #24**

On 7/26/2021 Plaintiff received a phone call from (262)-586-6028. The caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have dropped up to 50% in your area. Based on your zip code you could potentially see significant savings. To speak with a specialist please press 2". The automated system asked for Plaintiff's zip code, to which Plaintiff entered "98684".

A William Lucero answered the phone and even sent Plaintiff an email from [williamlucero@allstate.com](mailto:williamlucero@allstate.com). Plaintiff responded to this email on 7/26/2021 with the message:

"Hi William,

I apologize, I am not really looking for auto insurance. I get a ton of robocalls pitching auto insurance and I was curious who was calling me. Please put (469) 347-2130 on your do not call list.

Thank you"

This call was initiated by or on behalf of Allstate to encourage the purchase of insurance services.

The caller did not identify the entity behind the call in the first 30 seconds of speaking with a real person.

#### **Unsolicited Telemarketing Call #25**

On 7/26/2021 Plaintiff received a phone call from (601) 872-9052. The caller, in a woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have

1 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
2 savings. To speak with a specialist please press 2”.

3 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

4 **Unsolicited Telemarketing Call #26**

5 On 7/26/2021 Plaintiff received a phone call from (480) 524-7115. The caller, in a  
6 woman’s voice, said in pre-recorded or artificially generated voice: “Auto insurance rates have  
7 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
8 savings. To speak to a specialist please press 2 or press 9 to be added to the do-not-call list.”

9 Plaintiff pressed 9, and the call ended.

10 **Unsolicited Telemarketing Call #27**

11 On 7/27/2021 Plaintiff received a phone call from (707) 414-0108. The caller, in a  
12 woman’s voice, said in pre-recorded or artificially generated voice: “Auto insurance rates have  
13 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
14 savings. To speak to a specialist please press 2 or press 9 to be added to the do-not-call list.”

15 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

16 **Unsolicited Telemarketing Call #28**

17 On 7/28/2021 Plaintiff received a phone call from (909) 300-6103. The caller, in a  
18 woman’s voice, said in pre-recorded or artificially generated voice: “Auto insurance rates have  
19 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
20 savings. To speak to a specialist please press 2 or press 9 to be added to the do-not-call list.”

21 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

22 **Unsolicited Telemarketing Call #29**

1 On 7/29/2021 Plaintiff received a phone call from (559) 888-5247. The caller, in a  
2 woman's voice, said in pre-recorded or artificially generated voice: "Auto insurance rates have  
3 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
4 savings. To speak to a specialist please press 2 or press 9 to be added to the do-not-call list."

5 Plaintiff pressed 9, and the call ended.

6 This call was abandoned as defined by 47 C.F.R § 64.1200(a)(7)(ii).

7 **Unsolicited Telemarketing Calls #29, 30 & 31**

8 On 7/29/2021 Plaintiff played his voicemails. Three of the voicemails was a woman  
9 caller, who said in pre-recorded or artificially generated voice: "Auto insurance rates have  
10 dropped up to 50% in your area. Based on your zip code you could potentially see significant  
11 savings. To speak to a specialist please press 2 or press 9 to be added to the do-not-call list."  
12 The caller did not leave a toll-free number Plaintiff could call to add his number to their do-not-  
13 call list.

14 This is in violation of 47 C.F.R § 64.1200 (a)(9)(ii)(E).

15 **Unsolicited Telemarketing Call #32**

16 On 8/18/2021 Plaintiff received a phone call from (817) 290-9613. The caller was a man  
17 who introduced himself as "Michael" from "US Auto Insurance". He started asking insurance  
18 related questions. The man said he was "working with Allstate", and then he joined an Allstate  
19 agent "Courtney" onto the call. Plaintiff then hung up.

20 **Unsolicited Telemarketing Call #33**

21 Courtney called Plaintiff back from (469) 249-8525 to continue the sale pitch of Allstate  
22 insurance services. Plaintiff terminated the call.

23 **Unsolicited Discount Insurance Quote Telemarketing Call #34**

1 Discount Insurance Quotes has placed other calls to Plaintiff. One call was placed on  
2 4/15/2021 and the conversation was very similar in call script and mannerisms to the call in  
3 Unsolicited Telemarketing Call #1 except this time the caller went by "Tanner".

4 Tanner specifically said he was with Discount Insurance Quotes. His calling number was  
5 (469) 807-7810. Tanner was another avatar using pre-recorded or artificially generated speech.

6 **Unsolicited Discount Insurance Quote Telemarketing Call #35**

7 On 4/21/2021 "Tanner" called back from (469) 393-7360 and the conversation was very  
8 similar in call script and mannerisms to the call in Unsolicited Telemarketing Call #1 and it was  
9 very similar to the 4/15/2021 "Tanner" robocall. Tanner was another avatar using pre-recorded  
10 or artificially generated speech.

11 **These calls are annoying**

12 The phone ringing and listening to pre-recorded or artificial voice calls where it takes time  
13 and annoyance to navigate the phone menu system to talk to a live person are obnoxious, an  
14 invasion of privacy, and a waste of time. These phone calls were initiated to encourage Plaintiff  
15 to purchase goods or service.

16 **V. RELIEF**

17 **Federal Claims**

18 **TCPA 47 U.S.C. 227**

19 Defendants violated the regulations governing the TCPA, 47 C.F.R § 64.1200, and TCPA  
20 47 U.S.C. 227(c) by calling Plaintiff's cellular telephone numbers without invitation or consent.

21 Defendants violated 47 U.S.C. 227(b) by calling Plaintiff's cellular telephone without  
22 invitation or consent, while using an artificial or prerecorded voice.

1 Defendants violated 47 C.F.R § 64.1200(a)(9)(ii)(E) by leaving three voicemails without  
2 providing a toll-free “opt out” number.

3 Defendants violated 47 C.F.R § 64.1200(a)(7) by abandoning more than 3 percent of their  
4 telemarketing calls. In the 33 calls initiated to Plaintiff by Allstate, or on Allstate’s behalf,  
5 where Plaintiff answered a ringing telephone, over 70 percent were abandoned.

6 In the abandoned calls, Defendants violated 47 C.F.R § 64.1200(a)(7)(i)(A) and (B).

7 **Washington State Claims**

8 **RCW 80.36.390(2)**

9 Washington State RCW 80.36.390(2) says

10 A person making a telephone solicitation must identify him or herself and the company or  
11 organization on whose behalf the solicitation is being made and the purpose of the call  
12 within the first thirty seconds of the telephone call.

13 Defendants failed to identify a legally identifiable company or organization name behind  
14 the solicitation, and the purpose of the call, within the first 30 seconds of several of the phone  
15 calls.

16 **RCW 80.36.400**

17 Washington State RCW 80.36.400(2) states:

18 “No person may use an automatic dialing and announcing device for purposes of  
19 commercial solicitation. This section applies to all commercial solicitation intended to be  
20 received by telephone customers within the state.”

21 Defendants violated Washington State RCW 80.36.400(2) many times by calling  
22 Plaintiff’s cellular telephone number without consent, while using an automatic dialing and  
23 announcing device for commercial solicitation.

24 RCW 80.36.400 defines “Commercial solicitation means the unsolicited initiation of a  
25 telephone conversation for the purpose of encouraging a person to purchase property, goods, or

1 services.” There is no exception for charitable organizations who hawk goods and services via  
2 unsolicited telephone conversations.

3 **Treble Damages**

4 Plaintiff believes the record shows that Defendants’ violations of the law were willful or  
5 knowing. The Defendants failed to identify themselves within 30 seconds, abandoned many  
6 calls, robocalled without consent, ignored DNC requests, left pre-recorded or artificial voice  
7 telephone calls on Plaintiff’s voicemail without giving an “opt out” number, and generally  
8 ignored the law.

9 Therefore, Plaintiff asks for treble damages under TCPA 47 U.S.C. 227(c)(5), and the  
10 presumption that violations of RCW 80.36.400 and RCW 19.158.030 triple damages under the  
11 Washington State Unfair Business Practices Act RCW 19.86.

12 **Injunctive Relief**

13 TCPA 47 U.S.C. 227(c)(5)(A) allows “an action based on a violation of the regulations  
14 prescribed under this subsection to enjoin such violation.”

15 Washington State RCW 80.36.390(6) says:

16 A person aggrieved by repeated violations of this section may bring a civil action  
17 in superior court to enjoin future violations, to recover damages, or both.

18 Plaintiff is not unique – he simply had the misfortune to be targeted by Defendants’ mass  
19 calling machine. It is reasonable to believe that Defendants have done this many times in the  
20 past and will continue harming the residents of this State and other States in the future.

21 Plaintiff asks this Court to enjoin the Defendants from calling phone numbers using pre-  
22 recorded or artificial voices without consent.

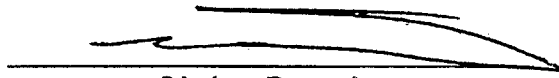
23 **All Possible Damages**



1 Plaintiff prays for all possible damages, in law and in equity, statutory, real, and punitive,  
2 that he might entitled too. Examples might be, but are not limited to, court costs, attorney fees,  
3 pre-judgement interest, and post-judgement interest.

4 I declare under penalty of perjury under the laws of the state of Washington that the  
5 foregoing is true and correct.

6  
7  
8 Signed at Vancouver, WA on 3/12/2022.

9  
10 

11 (Nathen Barton)

12  
13 Nathen Barton  
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17